

REMARKS/ARGUMENTS

Reconsideration of this application and entry of the foregoing amendments are respectfully requested.

Submitted herewith is a new Abstract which is believed to address the Examiner's objection to the Abstract filed April 11, 2005.

On page 2 of the Action, the Examiner indicates that two claims number 35 were presented. In fact, only one claim numbered 35 was presented. The Examiner's understanding to the contrary results from the fact that the copy of the specification that appears in the Image File Wrapper includes 2 copies of page 56 (which includes claim 35). Accordingly, no renumbering of the claims is required.

The claims have been revised to define the invention with additional clarity. The claims as presented are fully supported by an enabling disclosure. That the claims have been revised should not be taken as an indication that Applicants agree with any position taken by the Examiner. Rather the revisions have been made merely to advance prosecution and Applicants reserve the right to pursue any deleted subject matter in a continuation application.

New claims 39-42 have been added. The new claims are fully supported by the specific compounds described in the application.

Claims 1-39 stand rejected under 35 USC 112, first paragraph as allegedly being non-enabled. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions and further in view of the comments that follow.

The claims have been revised to require that X of XR_2 be NR^A . Support for this revision is found in the Examples provided in the application.

The claims have also been revised to require that X of XR₃ be oxygen and R₃ not be hydrogen. The Examples fully support this limitation.

The claims have been further revised to require that X of XR₄ be oxygen or NR^A. The Examples in the subject disclosure include innumerable compounds wherein X of XR₄ is oxygen. Compounds wherein X of XR₄ is NR^A are submitted to be operable.

Claim 1 has been additionally revised to require that X of XR₅ be oxygen. The Examples include numerous compounds that support this limitation.

Finally, claim 1 has been revised to require that at least one of OR₄ or OR₅ be OH. It will be clear from a review of the Examples that the compounds set forth therein satisfy this limitation.

As regards the Examiner's comments relating to an alleged lack of connection between the data provided and effective treatment of a disease condition, Applicants respectfully remind the Examiner that a patent applicant enjoys the presumption that the invention can be practiced as claimed. The examiner bears the burden of providing evidence to the contrary. Respectfully, no such evidence has been provided here.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1 and 3-13 stand objected to. Withdrawal of the objection is submitted to be in order in view of the above-noted claim revisions which remove the capitalization of "wherein" and insert missing terminal punctuation. Reconsideration is requested.

Claims 1, 2 and 16-38 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Withdrawal of the rejection is in order in view of the above-noted claim revisions and comments that follow.

Claim 1 has been revised to define "GPCR".

Claims 1 and 2 have been amended to use proper Markush language.

Claims 16-38 have been revised to remove the reference to "Substituent per Example Libraries 1-14" and to fully define the noted compounds.

Claims 38 has been revised so as to be placed in independent form.

At the bottom of page 4 of the Action, the Examiner questions whether NR^A includes a valance error. Applicants respectfully submit that it does not. When Z (of ZR_1) is NR^A , the nitrogen is trivalent (i.e., $-\text{N}(\text{R}^A)-$).

The Examiner's comments on page 5 of the Action, second paragraph, are not understood. The Examiner is respectfully requested to further clarify his concern so that Applicants can provide an appropriate response.

In view of the above, reconsideration is requested.

Claims 1-39 stand rejected under 35 USC 102(b) as allegedly being anticipated by Hirschmann et al '534 and by Hirschmann et al '512. Claim "39" stands rejected under 35 102(b) as anticipated by Budavari et al. Withdrawal of these rejections is submitted to be in order as the claims as now presented do not encompass compounds of the cited art.

Reconsideration is requested.

Claim "39" stands rejected under 35 USC 103 as allegedly being obvious over Hirschmann et al '534 in view of Hirschmann et al '512. Withdrawal of the rejection is submitted to be in order in view of the above-noted claim revisions. Reconsideration is requested.

This application is submitted to be in condition for allowance and a Notice to that effect is requested.

Respectfully submitted,

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